



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/Sub.2/2001/30
16 July 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-third session
Item 6 of the provisional agenda

OTHER ISSUES

CONTEMPORARY FORMS OF SLAVERY

**Report of the Working Group on Contemporary Forms of Slavery on
its twenty-sixth session**

Chairperson-Rapporteur: Mr. Rajendra K. Goonesekere

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Introduction

1. On the recommendation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights, the Economic and Social Council, in its decisions 16 (LVI) and 17 (LVI) of 17 May 1974, authorized the Sub-Commission to establish a five-member Working Group to review developments in the fields of slavery, the slave trade and the slavery-like practices, of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others, as defined in the Slavery Convention of 1926, the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, and the Convention of 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. The Working Group on Contemporary Forms of Slavery was established in 1975 and, by decision of the Economic and Social Council, has met regularly before each session of the Sub-Commission.

I. ORGANIZATION OF THE SESSION

A. Opening and organization of the session

2. The Working Group held its twenty-sixth session from 11 to 15 June 2001, including nine meetings. The High Commissioner for Human Rights opened the session. In her statement, she praised the Working Group for its activities and acknowledged that the financial support given to non-governmental organizations (NGOs) in the field and to former victims of slavery by the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery to enable them to participate in the Working Group's sessions gave a concrete and more human dimension to the testimonies received by the Working Group. She welcomed the fruitful dialogue established between States, NGOs and the Working Group on various questions, including the traffic in persons (which was examined as a priority issue at the present session), as well as the cooperation initiated in this area between the Working Group, NGOs and her Office. She noted the relevance of the work of the Working Group to the various issues discussed in the framework of the forthcoming World Conference against Racism. The High Commissioner expressed confidence that the Working Group could hold a fruitful session and overcome the challenge of a session reduced to five working days.

3. In accordance with Sub-Commission decision 2000/119, the members of the Working Group were: Mr. Goonesekere, Mr. Ogurtsov, Mr. Pinheiro, Mr. van Hoof and Mrs. Warzazi. As neither Mr. Pinheiro nor his alternate, Mr. Fix-Zamudio, could attend, they were replaced by Mr. Alfonso Martínez.

4. In view of the reduced number of meeting days and the heavy schedule of the Working Group, and in response to a request by many participants, a provisional timetable for the session was distributed at the second meeting.

B. Documentation

5. The Working Group had before it at its twenty-sixth session a number of background documents relevant to the issues being discussed, as well as the following documents prepared for the session:

E/CN.4/Sub.2/AC.2/2001/1	Provisional agenda
E/CN.4/Sub.2/AC.2/2001/1/Add.1	Annotations to the provisional agenda
E/CN.4/Sub.2/AC.2/2001/2 and 3	Review of the implementation of and follow-up to the Conventions on slavery. Status of the Conventions: note by the Secretary-General
E/CN.4/Sub.2/AC.2/2001/4	Review of developments in the field of contemporary forms of slavery. Measures to prevent and repress all contemporary forms of slavery, including the consideration of corruption and international debt as promoting factors of contemporary forms of slavery and other forms of exploitation: report of the Secretary-General
E/CN.4/Sub.2/2001/4	Implementation of the Programme of Action on the Sale of Children, Child Prostitution and Child Pornography: report of the Secretary-General
E/CN.4/2001/82 and Add.1	United Nations Voluntary Trust Fund on Contemporary Forms of Slavery: report of the Secretary-General

C. Election of the Chairperson-Rapporteur

6. At the first meeting, the Working Group appointed Mr. Goonesekere Chairman of its twenty-sixth session. In his introductory remarks, the Chairman expressed his appreciation to his colleagues for their confidence, as well as to the former Chairperson, Mrs. Warzazi for her dedication and leadership. He also welcomed the presence and support of the High Commissioner for the activities of the Working Group.

7. All the other members of the Working Group expressed their appreciation and gratitude to the High Commissioner for her presence at the opening meeting and for her expressed interest in the activities of the Group. Her presence and commitment are an incentive to all participants and members of the Working Group.

D. Participation

8. The following States Members of the United Nations were represented at the Working Group's meetings by observers: Belgium, Benin, China, Democratic People's Republic of Korea, Egypt, France, Gabon, Honduras, India, Indonesia, Japan, Mauritania, Netherlands, Pakistan, Philippines, Republic of Korea, Saudi Arabia, United States of America.

9. The following non-member State was also represented by an observer: Holy See.

10. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers: Anti-Slavery International, Change,

Coalition against Trafficking in Women, Coordination française pour le lobby européen des femmes, Covenant House, International Catholic Child Bureau, International Council of Women, International Movement against All Forms of Discrimination and Racism, International Service for Human Rights, Foundation of Japanese Honorary Debts, Third World Movement against the Exploitation of Women.

11. The Action for Children Campaign, which regularly supplies information to the Working Group, was represented by observers.

12. The following organizations were also represented by observers: Action for Children's Schools Together, Group for International Solidarity, Associazione Iroko, Backward Society Education, Caravane Théâtre Solidarites, Consulting Centre for Constitutional Rights and Justice, Internal Club for Peace Research, Jan Kala Sahitya Sanstha.

E. Adoption of the agenda

13. A participant reminded the Working Group of its decision to consider every two years the issue of incest under the sub-item "Miscellaneous". Incest was therefore included in the provisional agenda of the working group.

14. At the fifth meeting, the Working Group adopted its revised agenda on the basis of the provisional agenda (E/CN.4/Sub.2/AC.2/2001/1).

II. TRAFFICKING IN PERSONS

15. As decided at its twenty-fourth session, the Working Group gave priority consideration to the issue of trafficking in persons, in particular women and children. The Chairman recalled that, in addition to the attention normally devoted to this issue at the Working Group, specific attention had been given by the Working Group to the problem in 1998 (twenty-fourth session), when consultations were organized with specialized agencies and NGOs.

16. Following up on that initiative, the Working Group was again giving priority consideration to the issue of trafficking. Some participants recalled the recent adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol), supplementing the United Nations Convention against Transnational Organized Crime and the need to consider trafficking in light of the provisions of the Protocol. Although most participants welcomed the adoption of the Trafficking Protocol, they also expressed their concern about some of the provisions, in particular those on the protection of the victims of trafficking. Many participants regretted the fact that too often, victims of trafficking continued to be considered and treated like criminals rather than victims.

17. With specific regard to the issue of illegal and legal migrants, all speakers affirmed that the legal status of migrants was irrelevant in relation to the protection to which they were

entitled. An NGO active in the Philippines and supported financially by the Voluntary Trust Fund on Contemporary Forms of Slavery noted that trafficking did not always or necessarily involve a trans-border movement.

18. Another organization based in the United Kingdom shared information on an anti-trafficking programme it had launched in October 2000 aimed at identifying best practices to combat trafficking and at networking and cooperating with other organizations dealing with the same issue. The programme made it possible to ascertain that since the primary victims of trafficking were women and girls, trafficking had a gender-specific phenomenon and human rights violation. While discussing the identification of measures and best practices to combat trafficking, the speaker highlighted certain aspects of the Italian Immigration Act of 1998, which made it possible to offer temporary residence permits and social protection to individuals, to date exclusively women, who were trafficked into Italy. Such a provision enabled those individuals to feel protected and made them more willing to testify against their traffickers. The innovative aspect of this legislation, however, was offset by a lack of awareness and receptiveness of law enforcement officers. A number of speakers commented on the Italian legislation and warned the Working Group of the risk of so-called "legalized trafficking in persons". Other speakers regretted the limited scope of the Italian legislation which gave greater importance to the protection of trafficked persons as witnesses to an offence, rather than as victims.

19. Other speakers stated that the protection granted to victims of trafficking in their capacity as witnesses was a common policy in a number of European Union countries. One of the speakers mentioned the alarming growth of gang rape in the French banlieues and smaller cities. She called for particular attention to be paid to adolescents who were often in the "twilight zone" outside legal and preventive measures. Information was given on the implementation of the Swedish law, passed two years ago, criminalizing the use of the "services" of a prostitute. Despite strong criticism at the time, according to recent findings, 81 per cent of the Swedish population had expressed its satisfaction at the law. As a consequence, more funds were made available to finance programmes aiming at combating violence against women in the country.

20. On the issue of temporary permits granted to trafficked persons, other participants mentioned the examples of the United States of America and the Netherlands, where trafficked persons could be granted residency permits on humanitarian grounds. The speakers noted, however, that legislation in neither country provided a definition of "humanitarian grounds".

21. In that regard, a participant regretted the trend in EU countries to legalize prostitution and trafficking. She mentioned that women trafficked from and within the Schengen zone were granted legal work permits and were no longer considered as victims of trafficking but rather as sex workers.

22. The participants who had actively followed the negotiation process in Vienna for the adoption of the Trafficking Protocol drew attention to the debate that had taken place between countries and groups in favour of the legalization of prostitution and those against. Most of the NGOs at the Working Group had expressed their opposition to legalization as they felt it would lead to the legalization of the exploitation of prostitution and even trafficking in persons.

23. In that regard, Mrs. Warzazi invited the organizations which, on previous occasions, had expressed their concern at some of the provisions of the draft Trafficking Protocol to share with the Working Group their views on the final text of the Protocol.

24. Those organizations recalled that they had been concerned at the definitions of trafficking in the draft protocol, which contradicted core provisions of international human rights instruments. Thanks to the mobilization of more than 140 human rights NGOs, the adopted definition seemed more in line with existing human rights provisions and more protective of victims. Moreover, participants noted that the definition had to be considered in conjunction with the other provisions of the Protocol. They mentioned as a positive element the fact that the burden of proof no longer lay with the trafficked persons and victims were granted protection as victims of, and not as witnesses to, the crime of trafficking. Speakers regretted, however, that the implementation of such provisions was conditioned by limitations on the human and financial resources of the States concerned. Also, according to various speakers, the fact that the Protocol addressed the particular issue of demand in the context of prostitution and trafficking was a positive and innovative element.

25. In the course of the debate, the Special Adviser to the High Commissioner for Human Rights on Trafficking briefly commented on the Trafficking Protocol in light of the High Commissioner's project on trafficking. As regularly mentioned by the High Commissioner, human rights should be at the core of any anti-trafficking strategy. The Special Adviser drew the attention of the participants to the innovative aspects of the Trafficking Protocol, as well as to the companion Protocol against the Smuggling of Migrants. Indeed, for the first time an international binding instrument provided definitions of trafficking and smuggling at the international level. With regard to the provisions on the protection of victims, their relative weakness was due to the fact that the Protocols were not human rights instruments. The Special Adviser mentioned that the High Commissioner was still involved in the aftermath of the adoption process, in particular initiatives taken within the EU.

26. It was noted that the Vienna negotiations had taken a special juridical approach: even though they were legally "optional", the Protocols were also "additional" in the sense that it was impossible to be party to the Protocols without being party to the Convention.

27. Many participants expressed their concern at the frequent use of "sex workers" when referring to persons in prostitution. Some of them regretted that the Special Rapporteur on violence against women herself was following this trend. The use of that terminology removed stigma from the clients, who would feel that they were only paying for sexual "services" rather than exploiting another person. Moreover, the new terminology legitimized the sex industry and the criminal networks involved. Speakers denounced the myth of the voluntary and free "choice" of prostitution as work, insisting that there was no voluntary choice when there were no economic alternatives or social support.

28. The organization Iroko, based in Italy and financed by the Voluntary Trust Fund, submitted information to the Working Group on the phenomenon of prostitution in Italy of foreign girls and women, especially Nigerians, which had started in the 1980s. Later, in the 1990s, most girls knew they were likely to fall into prostitution when they went to Italy, but none of them was aware of what prostitution really involved. According to studies carried out by the

organization, the girls were getting younger and younger and their coercion was reinforced by cultural, social and psychological tools used against them by the traffickers. For example, girls were forced to undergo "juju" rites designed to take advantage of tribal beliefs in order to reinforce their sense of duty to their "benefactors" and instil fear and obedience. The representative of Iroko also shared information on her organization's programmes and activities in favour of victims of trafficking and prostitution. The organization intended to offer economic and social alternatives and stability to women who wished to stay in Italy, and provided assistance to those who wished to return home.

29. Further to information received at its past session, the Working Group was provided with details on the increased number of women brought from Eastern Europe to the United Kingdom for prostitution. Other recent information concerned the smuggling of young women from Thailand into the United Kingdom using false passports. Moreover, an increasing number of women, especially from the Philippines and India, were recruited abroad with false promises of work as nurses. Once they had reached the country, their passports and work permits were confiscated. Without any legal documents, they were more vulnerable to exploitation. Illegal immigration under cover of marriage was another issue of concern for some participants.

30. The particular issue of passport confiscation was discussed at length. Participants noted that employers often confiscated the passports of both legal and illegal migrants. Many speakers said that the practice was almost universal. All participants condemned such arbitrary confiscation, as it reinforced the vulnerability of migrant or trafficked persons. Measures should be taken to prohibit and prevent confiscation of passports by making it a criminal offence. Furthermore, migrants should be offered special protection.

31. One participant submitted information relating to sex trafficking and prostitution into and within the United States which, according to recent studies, was considerable and growing. It was estimated that each year, about 45,000-50,000 women and children were trafficked into the United States, and there were now 500,000 young prostitutes in the country. The trafficked women came from countries with high levels of poverty and unemployment, economic and social instability, gender discrimination and inequality, and corruption and organized criminal networks. The regions and countries of origin cited were South-East Asia, especially China, Thailand and Viet Nam; from Eastern Europe, primarily Russia, Ukraine and the Czech Republic; and Latin America, especially Mexico, Brazil, the Dominican Republic and Honduras. It was noted that many of the women had histories of physical/sexual abuse that preceded their trafficking. Studies showed that the vast majority of women trafficked for prostitution were women of colour and that the death rate for women in prostitution is 40 times the national average. Furthermore, it was noted that the age of entry into prostitution was getting lower, as in the United States the average age was between 13 and 17, with the majority of trafficked girls under 18. The traumatic consequences of trafficking and prostitution were also discussed. The speaker also noted that any legislation would fail if it did not address the organized criminal aspect of trafficking and prostitution and also the issue of demand.

32. The Chairman was also of the view that it was imperative to address the demand aspect.

33. Mrs. Warzazi recalled that she had always condemned prostitution which could never be considered as a professional activity like any other, regardless of whether the woman

"consented". She favoured the criminalization of prostitution being extended to clients, as well as the closure of brothels. The existence of brothels represented de facto support for prostitution and related abuses. Mrs. Warzazi was supported by various participants who insisted that prostitution involved not only the prostitutes and their clients but also very well-organized criminal networks. Many speakers referred to the sex industry and the difficulty of combating it, as related activities involved all sectors of society and huge amounts of money.

34. The issue of the involvement of military personnel and United Nations peacekeeping forces in prostitution networks was mentioned by a number of participants. Other participants also drew attention to the involvement of humanitarian assistance personnel and journalists in the opening of brothels in the countries where they were carrying out their professional duties.

35. As in previous years, updated information on the issue of trafficking in children in central and western Africa was provided to the Working Group. It was stated that despite existing efforts to combat this phenomenon, trafficking in children persisted. The case of The Etireno in April 2001, aboard which about 40 children trafficked to Gabon were found, was cited as a case in point. According to the findings of a 1999 study on trafficking in children in the subregion, 86 per cent of children trafficked to Gabon were girls to be employed as domestic workers; the boys were employed in agriculture. Trafficking of children in the subregion is furthered by factors such as poverty, cultural traditions, a crisis in the education system and, above all, the lack of criminal legislation. The last allows traffickers to benefit from impunity. The countries concerned should therefore amend their legislation to criminalize such offences and allow extraterritorial jurisdiction for crimes of trafficking. Moreover, States should consider ratifying the ILO Worst Forms of Child Labour Convention 1999 (No. 182) and strengthen regional cooperation to combat this practice. In that regard, the regular holding of subregional consultations on the issue under the auspices of UNICEF was mentioned. It was confirmed that both the trans-border and national movement of children would fall under the provisions of article 3 of the Trafficking Protocol.

36. Very much concerned by this particular problem, the Permanent Representative of Gabon, accompanied by a representative of the Ministry of Labour, and a representative of Benin attended the meetings of the Working Group to clarify certain points. Mrs. Warzazi expressed her appreciation to the representatives of both countries for their presence.

37. The representative of Benin shared with the Working Group the press release published on The Etireno case. The Government had opened an investigation in order to ascertain the facts and identify the offenders. According to the preliminary findings, it seemed that 147 persons, including 43 minors, 24 of whom were under 14 years of age, had embarked at Cotonou for Gabon. The children were from Benin, Togo, Mali, Senegal and Guinea. The story of this ship was an example of well-organized sub-regional trafficking in minors for the purpose of economic exploitation. Benin denounced trafficking in persons, especially children, and expressed its readiness to work with all parties concerned to put an end to this phenomenon. The representative of Benin stated that his country had requested international assistance to combat this problem. He also wished to draw attention to the fact that The Etireno event had come right after the elections and political analysts had accused the President of political manoeuvring.

38. The Permanent Representative of Gabon expressed her country's deep concern at a phenomenon over which it had no control. Gabon was a de facto receiving country, not only of trafficked children but of all migration movements in the sub-region. Gabon considered itself a victim of this phenomenon. The Permanent Representative expressed concern at the inaccuracy of the information provided to the Working Group. She recalled that all the information had referred to the traffic in children for the purpose of their exploitation in the agricultural sector in Gabon. However, Gabon was not an agricultural country, and its lack of food autonomy was among its major difficulties and challenges. Gabon has ratified ILO Convention No. 182 and a draft law was being prepared in accordance with the provisions of that Convention. In addition to legislative measures either to be enforced or to be adopted, Gabon was also committed at the regional level to combating this serious problem.

39. A participant submitted to the Working Group the result of his research, supported by UNESCO in New Delhi, on trafficking in children and child prostitution in four of the largest cities in India. The study was also based on the responses to a questionnaire distributed to over 300 street children in the cities concerned: Chennai, Delhi, Kolkata and Mumbai. The study showed that poverty, lack of education and awareness and false promises were among the major factors in trafficking. Poverty and promising false opportunities in big cities were the major reasons why children left their families, voluntarily or at their families' request. A third group of children were said to be taken by force and/or coercion to the cities. The study also established the link between the widespread phenomenon of street children and the increasing number of children trapped in prostitution. Once they had reached the big cities, the children often had to face police harassment which led them to or kept them in criminal activities. The study revealed the existence of extremely well organized criminal groups. Boys were often used for drug trafficking, theft and begging, while girls were forced into prostitution. The health and psychological consequences of the abuses the children were subjected to were terrible: early pregnancy, maternal mortality, sexually transmitted diseases and HIV/AIDS. The speaker mentioned initiatives aimed at rescuing girls from brothels. However, their return to their areas of origin took too much time and when they went back they were often rejected by their communities and families. It is therefore clear that the cornerstones of any preventive policy were information, education and awareness-raising.

40. Also concerning India, another organization submitted information on trafficking in children for prostitution in hotels in the Agra-Delhi-Jaipur region, known as the "golden triangle". The speaker expressed concern at the increase in the demand for younger and younger girls, preferably virgins. The reasons for this were the increased fear of HIV/AIDS and other sexually transmitted diseases, and the growing awareness of adult women about their rights and their demands that customers use condoms and for proper payment. Furthermore, poverty, adult unemployment, lack of education, family problems, son preference and lack of social support also helped traffickers to recruit their victims. Sometimes parents sold their daughter directly to pimps for prostitution; sometimes they gave them up in the belief that they would be given good, well-paid jobs. Prostitution in the "golden triangle" was intimately linked with tourism.

41. The representative of India expressed his regret at the lack of geographical balance in the various testimonies brought before the Working Group. It was his feeling that only some regions - in developing countries exclusively - were mentioned while problems such as child prostitution, child pornography, and trafficking in persons were not confined to the developing

world. With regard to the information provided on his country, he regretted that speakers failed to mention the actions taken by the Government to deal with the problems in question and sometimes even submitted inaccurate information. He recalled that the Suppression of Immoral Traffic in Women and Girls Act had been enacted as long ago as 1956 and amended in 1986 to provide enhanced penalties when children and minors were involved. However, there were other legal measures that dealt with the problems of trafficking and prostitution. Concerned by the low conviction rates for these offences, the Government of India had taken up the matter, inter alia through a sensitization programme. India was also involved in the finalization of the Convention on Trafficking of the South Asian Association for Regional Cooperation (SAARC). With regard to the specific problem of child labour, in addition to legislative measures, the Government of India had launched a number of programmes for the rehabilitation of child labourers. The representative of India recalled the landmark judgement of the Supreme Court in 1996 on child labour. Moreover, the Government was conducting a campaign to have all children in school by the year 2003.

42. Covenant House, an organization active in Central America financed by the Voluntary Trust Fund on Contemporary Forms of Slavery, shared with the Working Group information on the alarming phenomenon of child victims of sexual violence. Younger and younger children were becoming victims of trafficking, trapped into prostitution and pornography. This phenomenon was reinforced by sex tourism. Even though poverty could not, in any way, justify the sexual exploitation of children, it was a factor together with economic disparities, inequitable socio-economical structures, family disintegration, lack of education, rural migration, gender discrimination and harmful traditional practices. The speaker shared the findings of a study on sexual exploitation of children carried out in Nicaragua, Costa Rica and Honduras. A growing number of girls were being trafficked from Nicaragua to Honduras and Costa Rica. Sexual tourism increased the demand for prostitutes. Girls were usually locked up, their passports are confiscated and they usually became drug addicts. Their rehabilitation and reintegration in the society were extremely difficult.

43. While many participants active in the field noted the common grounds of exploitation regardless of the region where it occurred, the Chairman stated that most testimonies and situations described by these organizations confirmed the link between poverty and international debt and slavery-like practices.

44. Some participants noted that the role of the families of the child victims of trafficking was often overshadowed. All awareness-raising and information strategies should also be directed at families which often "gave" their children in good faith, hoping that they would be offered legal, good, well-paid work.

45. The Working Group was given updated information on child camel jockeys in the United Arab Emirates and other Gulf States, including Qatar. According to the information provided, boys were kidnapped, sold by their parents or taken on false pretences from their homes in Pakistan, India and Bangladesh; new reports also made mention of the Sudan. In that regard, the positive measures taken by the Government of Pakistan to help prevent children being trafficked out of the country by improving the documentation procedures were mentioned. The Gulf States were encouraged to enforce their laws and to ratify ILO Convention No. 182.

46. Mrs. Warzazi welcomed the information provided on trafficking in children in West and Central Africa and suggested that it be transmitted to the upcoming Special Session of the General Assembly on children. With regard to the issue of child camel jockeys, she was of the view that no particular country should be stigmatized.

47. During the discussion on trafficking in children, a participant noted that media and general attention were focused on children before they reached puberty which marginalized adolescents, who were often excluded from protection policies and measures. Regarding the media and their approach to trafficking in adults and children, the Working Group was informed of the publication of a guide of good practice to raise the awareness of journalists about their role and the impact they had on the perpetuation of criminal activities such as trafficking. Most speakers were in favour of the media playing a preventive as well as an information role.

48. Mrs. Warzazi recalled that the Working Group had always and regularly insisted on the importance and necessity of information and education in any strategy. She regretted the absence of UNESCO which would have valuable information to share with the Working Group on that issue.

49. The Third World Movement against the Exploitation of Women, active in the Philippines and financed by the Trust Fund on Contemporary Forms of Slavery, submitted information on ship prostitution, more specifically in Batangas port. The representative of the organization regretted that the two girls who were supposed to address the Working Group and share their personal experiences could not be issued with passports as they had no birth certificates. In that regard, some participants noted that it was the States' responsibility to ensure that birth certificates were provided to all persons born in territory under their jurisdiction.

50. The Chairman and Mrs. Warzazi admitted that it was not very surprising that in some countries there were still problems regarding birth registration, especially in remote areas. They noted that birth certificates could be issued only if the persons concerned declared the birth to the competent authorities.

51. The representative of the Philippines stated that even though he also regretted that the two girls could not obtain passports, this was a purely administrative matter which might have been solved if addressed in advance. He stated that his country had an efficient birth registration system, which also offered the option of late registration. He noted that in cases where the birth was not assisted by medical professionals or took place in a public setting, the competent authorities had no way to be informed of the birth except by the family.

52. Ship prostitution is a phenomenon that started in the 1970s in 25 private ports on Batangas Bay and involved very few domestic boats. Today, being an international port the number of boats docking at Batangas every month has dramatically increased. The girls involved in ship prostitution are regularly abused; many of them end up drug and alcohol addicts, pregnant and infected with sexually transmitted diseases and HIV/AIDS. Most of them were brought into prostitution with false promises of jobs as sales girls, waitresses or domestic workers. The Third World Movement believed that ship prostitution, which was connected with corporate globalization, was a contemporary form of slavery. Globalization transformed prostitution into a sex industry. Policies aiming at combating prostitution should address the

causes of prostitution and the demand aspect. The Movement was engaged in a networking process at the international level, especially at the regional level. The organization worked also at the local level by providing assistance to girls in prostitution and to former prostitutes. The need to provide economic alternatives and ensure genuine development of the areas concerned was reaffirmed by various participants.

53. Other participants welcomed the information provided by the Third World Movement on this issue as the Working Group rarely received information on that particular problem.

54. The Working Group received updated information on the deaths of 58 Chinese illegal immigrants in Dover, United Kingdom, in 2000. Subsequent to this tragedy numerous people were apprehended and brought to trial, both in the United Kingdom and abroad.

55. In the course of the general debate on trafficking and prostitution, some participants mentioned the holding of a conference in Yokohama, Japan, on commercial sexual exploitation of children. In that regard, the representative of Japan expressed her delegation's willingness to provide information and details to interested participants.

III. REVIEW OF THE IMPLEMENTATION OF AND FOLLOW-UP TO THE CONVENTIONS ON SLAVERY

A. Status of the conventions

56. For item 4 (a) of its agenda, the Working Group had before it reports on the status of the conventions on slavery (E/CN.4/Sub.2/AC.2/2001/2 and E/CN.4/Sub.2/AC.2/2001/3). As every year, the Working Group also had the list of countries which had not ratified the conventions which the members wished to have distributed as an official background document of the Working Group.

57. Some participants supported that proposal and noted that it would also be extremely useful to have the list of ratifying countries divided by regions. They were also in favour of the preparation of a list of countries which had ratified the conventions but which also had modified their national legislation in accordance with the provisions of the conventions.

58. Other participants drew attention to the difficulty of accessing the Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others (E/CN.4/Sub.2/1996/28/Add.1).

B. Review of information received regarding the implementation of the conventions and programmes of action

59. A participant reminded the Working Group that his organization had engaged in a dialogue with the British authorities on the ratification of the 1949 Convention. He also recalled that at the last session, the representative of the United Kingdom had assured the Working Group of his Government's commitment to combating all trafficking in persons and of the fact that a change in the country's legislation on the subject was under discussion. Despite these promising statements, no positive action had resulted.

IV. REVIEW OF DEVELOPMENTS IN THE FIELD OF CONTEMPORARY FORMS OF SLAVERY AND MEASURES TO PREVENT AND REPRESS ALL CONTEMPORARY FORMS OF SLAVERY, INCLUDING CONSIDERATION OF CORRUPTION AND INTERNATIONAL DEBT AS PROMOTING FACTORS OF CONTEMPORARY FORMS OF SLAVERY

60. The Chairman, supported by Mrs. Warzazi, emphasized the particular importance and relevance of corruption and international debt as promoting factors of contemporary forms of slavery.

61. A participant informed the Working Group of an initiative called Jubilee 2000 led by a group of Christians in the United Kingdom. Jubilee 2000 is a campaign group calling for debt relief for the Heavily Indebted Poor Countries (HIPC). He was pleased to report the decision of the British Government to renounce its right to repayment of the debt of 41 most indebted countries. Selected countries were encouraged to use the funds for poverty alleviation.

62. On the specific issue of external debt, Mr. Alfonso Martinez noted that from a conceptual perspective, external debt was a clear manifestation of slavery. External debt was not only a financial burden but entailed loss of sovereignty. He drew the attention of the participants to the fact that the vast majority of indebted countries could not pay their debts. Consequently, the elimination of the debt became an impossibility. Moreover, he wondered on what basis had the 41 exempted countries been selected; this positive development should not be limited to a list of arbitrarily selected countries.

63. One speaker gave an account of his organization's recent visit to the Sudan, where slavery remained a reality and where abducted persons still awaited release. According to the available information, the victims came mostly from north Bahr El Ghazal (southern Sudan) and belonged to the Dinka ethnic group; the raiders came from northern Sudan. The visit aimed at assessing the impact of the work of the Committee for the Eradication of Abduction of Women and Children (CEAWC), established in 1999 and attached to the Ministry of Justice. It was observed that while CEAWC had secured the release of some abducted women and children, progress had been slow. However, the slow pace of people being returned to their homes was partly explained by a flare-up in fighting between the Sudan People's Liberation Army and government forces in the Aweil area in June 2000. The speaker regretted that CEAWC had not pursued its mandate by prosecutions. This inaction was encouraging more abductions and the Government was not taking any preventive measures. It was therefore essential that abductions and related practices be recognized as illegal practices and the abductors prosecuted. Mr. van Hoof raised some questions regarding the mission report prepared by the organization which had visited Sudan. He was informed that the recommendations had been transmitted to the Government of the Sudan but that the report remained "on hold" in order to encourage dialogue with the Sudanese authorities.

64. The representative of the Sudan recalled that the particular issue of abduction of women and children had been dealt with and considered at length by various United Nations intergovernmental bodies, such as the General Assembly and the Commission on Human Rights.

It had been asserted that the problem was exclusively one of abduction and was not slavery. The Sudan condemned slavery, which was a criminal offence punishable under the law. The representative referred to an organization which had never hidden its animosity towards his country and which had had its consultative status removed. While the Sudan admitted the occurrence of cases of abduction, which was an old phenomenon involving tribes from southern and central Sudan, it challenged the figures put forward by foreign organizations and media. The representative also referred to the work undertaken by the CEAWC and the financial constraints it faced.

65. The Working Group was given some up-to-date information on the forced labour situation in Brazil. As mentioned at previous sessions, the Government of Brazil had amended the provisions of the Penal Code so as to increase the penalties incurred by anyone using or involved in the use (recruitment, transportation) of forced labourers. Despite this, and the establishment of a special mobile inspection unit responsible for enforcing the law, the use of forced labour at some agricultural estates remained a serious problem. The special unit was successful in rescuing a number of forced labourers in 1999, 2000 and the beginning of 2001, but it could do more if given the appropriate resources and support from the regional authorities. The unit should be able to impose fines on landowners using forced labourers and have the authority to collect them. Moreover, all those using forced labour should be prosecuted. The effective implementation of these deterrent measures would end the cycle of impunity and decrease the use of forced labourers. The only detailed information regarding prosecutions for the use of forced labour was from the federal judicial district of Marabá. Between 1980 and 1998, 90 cases involving the use of slave labour were denounced in Marabá, but indictments were only brought in 14 cases, and only one of these cases resulted in a prison sentence.

A. Economic exploitation

1. Bonded labour and debt bondage

66. The Working Group received information on bonded labour in Nepal. Among the speakers, two were financed by the Voluntary Trust Fund on Contemporary Forms of Slavery.

67. One of the speakers shared his experience as a former bonded labourer. A member of the Tharu community, his father took a loan from his landlord in order to finance his school fees. As his father was unable to repay the loan, at 16 he was forced to go to work. He never got paid for his work as the landlord deducted the debt from his salary. Thanks to the studies he was able to undertake before he was forced to work, the speaker was aware of his rights and was able to leave the landlord. With other bonded labourers, he organized a protest strike. Those who took part in the strike were threatened and physically assaulted and, if they had been successful in increasing wages, many were still in bondage. Despite the official freeing of all bonded labourers by the Government in July 2000, bonded labour was still prevalent. In order to effectively enjoy freedom, it was essential that the Government secure the appropriate economic, financial, social and legal conditions. In that regard, he mentioned the need for new land reform and for an Agricultural Labour Act to follow up on the measure taken by the Government in 2000. Moreover, racism and ethnic discrimination had to be properly and effectively addressed.

68. Another speaker gave some details on the history of the Tharu community in Nepal. The Tharus were an indigenous group from the Terai region of southern Nepal. With the opening of the Terai region to new settlers, the Tharus lost their lands and became marginalized, therefore more vulnerable to exploitation. The organization Backward Society Education (BASE), committed to the development of poor and exploited Tharus, is focusing on education and information. The classes are making Tharus more aware of their rights and empowered to fight against bondage.

69. Other information was provided on the bonded labourers maintained under the Kamayia system after they were officially freed by the Government in July 2000. It was to be noted that the Government's decision was neither translated into legislation nor supported by adequate measures. Therefore, half of the freed bonded labourers are living in extremely difficult conditions while the other half are back under the Kamayia system. It was urgent and essential that freed families be provided with means of living, employment and educational opportunities for their children.

70. Mrs. Warzazi recalled that the Working Group, basing itself on various testimonies, had always emphasized the need to offer alternative proposals when so-called "miraculous" measures were taken. These alternatives could be financed by those who used and abused the bondage system. She was supported by certain participants who insisted on the need to reintegrate former bonded labourers as workers.

71. The Chairman reminded the Working Group of the testimonies of former bonded labourers who did not consider themselves victims of bondage but rather as producers of the wealth of their country. When freed, they requested the right to continue working in a sector they were familiar with, but under appropriate financial and working conditions (see E/CN.4/Sub.2/2000/23, para. 27).

72. The Working Group was provided with updated information on debt bondage among agricultural labourers and sharecroppers in Pakistan. The information resulted from a survey carried out for the Asian Development Bank on debt bondage in Sindh province and published in October 2000. The survey confirmed the large number of bonded agricultural labourers (haris) and sharecroppers maintained in bondage by powerful landlords (zamindars). It was established that most haris were Muslims and therefore less vulnerable to zamindars than the Hindus. However, all of them had to borrow money from the landlord in order to meet the costs of cultivation. The survey also revealed that landlords were resorting to migrant labourers with the assistance of intermediaries. These agents were given an advance, part of which was given to the labourers who became bonded. The political control exercised by the landlords in Sindh province was such that the legal safeguards - the Sindh Tenancy Act (1950) and the Bonded Labour System Abolition Act (1992) - were scarcely applied. Since the publication of the report, the Government of Pakistan had published, in January 2001, a "Draft National Policy and Plan of Action for the Abolition of Bonded Labour and Rehabilitation of Freed Bonded Labourers". Despite a number of weaknesses, some participants welcomed the Plan of Action. The Plan provided for a country-wide survey, strict implementation of the law, activation of the Vigilance

Committees, the involvement of social partners and the distribution of land to freed labourers. However, the Plan did not provide for the prosecution of those who used and kept bonded labourers.

73. The representative of Pakistan regretted that the information provided did not take sufficient account of the affirmative actions taken by the Government. She recalled that Pakistan was constitutionally committed to fighting bonded labour. The Government had erased the debts of bonded labourers and Vigilance Committees had been reorganized to be more effective and target-oriented. The Government was committed to enforcing the Bonded Labour Abolition Act which provided for the imprisonment of offenders.

2. Child labour

74. The Working Group was informed by speakers subsidized by the Voluntary Trust Fund of a specific manifestation of the problem of child labour in Togo, known as portefaix. The portefaix are young mothers or girls from rural areas who migrated to Lome to seek jobs. Some of them were able to find dilapidated houses in which to live and for which they had to pay rent, while a vast majority lived in the street in total insecurity. The portefaix carried very heavy burdens in markets, railway and bus stations, and in the street. They were badly paid and depended on the number of clients they could carry for. These girls were exposed to many dangers, ranging from health problems, sexual exploitation to economic exploitation. They lived on the margins of the society in very difficult conditions. The International Catholic Child Bureau (BICE) was working on education for the portefaix and protection of their rights. BICE was also engaged in raising public awareness on this issue. It recommended the effective prohibition of child labour, the integration of the portefaix in the professional world with better working conditions and the socio-economic development of the regions that the portefaix came from. The speaker mentioned the good will and the cooperation demonstrated by the Government of Togo in assisting BICE with its work on this particular problem.

B. Sexual exploitation

75. The Working Group heard a testimony from South Africa about the entry into prostitution of a young girl called Maggie. After the divorce of her parents when she was 14 years old, Maggie became emotionally fragile. She ended up taking care of herself alone. She started using drugs and when she needed money to support her habit she entered into prostitution. Maggie died at 19 years of age trying to escape the drug dealer to whom she owed money.

76. The attention of the Working Group was drawn to the dangers of Internet chat rooms and the particular vulnerability of girls. A recent survey in 16 countries showed that up to 70 per cent of Internet users under the age of 24 regularly used chat rooms. Girls were twice as likely as boys to have received unwanted messages of a sexual nature or repeated requests for meetings. The speaker gave details on the recent case of a man who befriended a girl through the Internet and, after having obtained her email address, publicized it with an invitation to rape and abuse her. The man was sentenced to jail for more than seven years. Some participants

were campaigning in their countries for child safety by, *inter alia*, ensuring that registered sex offenders cannot have access to children's Web sites. In the United Kingdom, various options were being considered to provide children with safe cyberspace.

77. A participant informed the Working Group about an art exhibition in the United Kingdom which included several photographs of naked children that could be construed as sexually exploitative. Even though the pictures were taken in a family context, the speaker believed that photographs which could have a sexual nature should not be made public and should remain within the family. Other participants were of the opinion that pornography involved both sexual and physical violation of the victims and was detrimental to all involved, victims as well as consumers.

78. The phenomenon of women, in particular from Russia, offering themselves over the Internet as mail-order brides was mentioned by several participants. All gave examples of such women abused by their new "husband", who sometimes even used them for pornographic purposes and prostitution. Men involved in such cases were rarely prosecuted.

79. In this context, the Working Group held a debate on the contradictory imperatives of the protection of the right to freedom of expression and the protection of children and adults against sexual abuse.

80. Mrs. Warzazi expressed the view that the Working Group should adopt stronger recommendations on the damaging effects of the Internet. She believed that the right to freedom of opinion and expression should not justify the abuses committed. She was supported in that regard by participants who mentioned the case of the "Yahoo" Internet company which, though based in the United States, was sued in a French court for disseminating racial hatred. The French judge said that Yahoo had to prevent French users from accessing material that was illegal in France. Participants, including Mr. Alfonso Martinez, felt that sexual crimes should be similarly prohibited. Speakers also noted that Internet companies were seldom prosecuted for sexual material on their sites that constituted offences or crimes because of the important financial and economic interests involved. The same should also apply for sexual crimes.

81. Mr. Alfonso Martinez was of the opinion that freedom of opinion and expression could not be set as a supreme human rights principle. This right should be limited by the need to protect people against violence, attacks against their physical integrity and the violation of their rights.

C. Other forms of exploitation

1. Trafficking in human organs and tissues

82. Mrs. Warzazi raised the serious issue of the killing of children for the use of their body, including for Satanic rituals. Information on the matter should be transmitted to the Secretary-General of the United Nations for his information and to UNICEF for investigation.

83. The case of an adoption agency in the Indian State of Andhra Pradesh that was trafficking in organs was mentioned. Mutilated bodies had been found of children under five whose parents believed that they were being adopted abroad. Investigations had established that the agency was linked with an international network involved in trafficking in organs. The case is still under investigation.

84. The Chairman noted the possible collusion and complicity of medical personnel in certain cases.

2. Other

85. Participants expressed their satisfaction at the reintroduction every two years in the agenda of the Working Group of the issue of incest. The Working Group was the appropriate forum to discuss this violation as incest was a contemporary form of slavery, despite the dissenting opinion expressed by former members of the Working Group. The Working Group heard the story of a woman victim of incest. It was noted that, regrettably, in cases of abuse the best interests of the child were seldom taken into consideration.

86. With regard to the opinion expressed by a former member of the Working Group on the question, a participant drew attention to the study on slavery prepared by Professor David Weissbrodt and Anti-Slavery International in which it was stated that the question whether incest was a contemporary form of slavery would need further scrutiny.

87. The Working Group also heard testimonies on cases of forced marriages. In that regard, the Working Group decided to examine, as a matter of priority, at its twenty-eighth session (2003) the issue of contemporary forms of slavery related to and generated by discrimination, in particular gender discrimination. Attention would be focused on abuses against women and girls, such as forced marriages, early marriages and sale of wives.

V. ACTIVITIES OF THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN

88. The National Council of Women of Great Britain informed the Working Group that it had just been granted consultative status. The Council also informed the Working Group about its activities for the enforcement of the law criminalizing female genital mutilation (FGM) in the United Kingdom, as well as for the promotion and protection of women's rights. The Council had also been campaigning against alcohol-related violence in the family.

89. With regard to FGM, Mrs. Warzazi, who is also Special Rapporteur on harmful traditional practices affecting the health of women and girls, gave an overview of the issue of FGM and how it had been dealt with by the United Nations. She said that she had always favoured dialogue with the parties concerned and cautioned the National Council of Women on the dangers of confrontation. As she had stated in her reports, criminalization of FGM and prosecution of the persons involved should be a last resort. Efforts should be directed at education, information and awareness-raising without stigmatizing any culture, and with respect for others' beliefs. In the resolutions on her mandate, the Sub-Commission had called for

regional seminars on traditional practices to be held. Mrs. Warzazi insisted on the importance of such events, in particular in Europe. She was supported by Mr. Alfonso Martinez. Other participants welcomed the possible holding of a regional seminar in Europe on the issue of traditional practices.

90. The representative of the Republic of Korea commended the work of the Special Rapporteur on violence against women. He noted that despite the commitment of the Government of Japan to raise awareness about the issue of the so-called "comfort women", as reflected in the Special Rapporteur's 1998 report, in 2001, the Special Rapporteur pointed out that the Government had made no attempt to implement her recommendations or to accept its legal responsibility. The representative criticized the change in Japanese history books and the distortions of the issue of comfort women in the new books. The Japanese Government was asked to review the books in order to reflect historical events accurately.

91. The representative of the Democratic People's Republic of Korea referred to the same issue and requested the Government of Japan to halt this distortion of reality and to acknowledge its responsibility.

92. In response, the representative of Japan stated that his country had fulfilled its obligations in accordance with the San Francisco Peace Treaty, bilateral treaties and relevant instruments of international law. In addition to the legal settlement of the issue, with the Republic of Korea for example, Japan was aware of the need to acknowledge the damage caused to all concerned and had publicly expressed regrets and apologies. Also, as part of its moral responsibility, Japan had supported the activities of the Asian Women's Fund, which was established in 1995 to provide each former "comfort woman" with financial reparation and a letter of apology. The Fund also implemented, among other activities, medical and welfare support projects for these women. The representative of Japan also referred to the issue of the history books and gave details on the procedure for the publication and inclusion of such books in the curricula. He stated that the Government had no control over the books which were under the responsibility of the authors in line with the curriculum guidelines. Changes could only be made in very limited and specific cases, in accordance with the Constitution of Japan. The requests made by the Governments of the Republic of Korea and of China to review some history textbooks for junior high schools in Japan were under serious consideration. Japan would like to reach a solution satisfactory to all parties. However, Japan believed that the Working Group was not an appropriate forum to discuss and resolve this issue.

93. While the representative of the Republic of Korea insisted on the importance of Japan recognizing its responsibility and reflecting this in its history books, the representative of the Democratic Republic of Korea objected to a solution which involved the Asian Women's Fund which was financed by private contributions. The representative of China emphasized the legal and moral importance of history textbooks reflecting historical events without distortions.

94. The issue of post-traumatic stress disorders still suffered by persons under the Japanese occupation was discussed. The attention of the Working Group was drawn to the fact that

several Western countries, including Australia, Canada, the Netherlands, New Zealand and the United Kingdom, had decided to make *ex gratia* payments to their nationals who had suffered under the Japanese occupation.

95. Most of the speakers were of the opinion that it was essential for the Working Group to remain seized of this issue.

96. Mrs. Warzazi stated that the Working Group had done its best to reach a solution satisfactory to all parties concerned. The Working Group had therefore fulfilled its mandate and would not deal with any further matter arising from this issue.

97. The Chairman also expressed the strong disagreement of the members of the Working Group to continued discussion of this matter.

VI. ACTIVITIES OF THE UNITED NATIONS VOLUNTARY TRUST FUND ON CONTEMPORARY FORMS OF SLAVERY

98. For its consideration of the situation of the Fund, the Working Group had before it the last reports of the Secretary-General to the General Assembly (A/55/204) and to the Commission on Human Rights (E/CN.4/2001/82) on the fifth session of the Fund's Board of Trustees held in February 2000, and E/CN.4/2001/82/Add.1 on its sixth session in January 2001. As no Board member was able to attend the session this year, the Working Group asked the Secretary of the Board and Fund to introduce the documentation, the beneficiaries of travel grants attending the session and the financial situation of the Fund.

99. The recommendations adopted by the Board at its sixth session, in conformity with the mandate of the Fund, aimed at providing financial assistance to representatives of local NGOs dealing with issues of contemporary forms of slavery and individuals whose human rights had been severely violated as a result of contemporary forms of slavery to enable them to attend the session. According to the selection criteria approved by the General Assembly and the Sub-Commission, the beneficiaries had to be from different regions, would not have been able to attend the session of the Working Group without the assistance provided by the Fund, and would be able to contribute to a deeper knowledge on the part of the Working Group of the problems relating to contemporary forms of slavery. They were provided with airline tickets and daily subsistence allowances to enable them to participate for three days in the deliberations of the Working Group. The Board took particularly into consideration that the Working Group had decided at its twenty-fifth session to examine as a matter of priority at its present session the issue of trafficking in persons, with the active participation of NGOs and victims of trafficking, in preparation for the proposed United Nations year against trafficking in persons. The Board also took into consideration in its selection that the Group had decided to keep under consideration at its twenty-sixth session the question of debt bondage, the role of corruption in the perpetuation of slavery and slavery-like practices, problems affecting migrant workers, the protection of child labourers, forced labour, trafficking in human organs and tissues, forced marriages, ways to combat sexual abuse of children inside the family, and the urgent need for adequate help to be offered to victims of such practices.

100. Thanks to the contributions received from Bahrain, Brazil, Cyprus, Japan, the Netherlands, Poland and South Africa, American and Japanese associations and an increasing number of individuals, including Mrs. Warzazi and well-known Italian painters (see E/CN.4/2001/82/Add.1, annex I), and on the basis of the recommendations made by the Board at its sixth session, the High Commissioner, on behalf of the Secretary-General, had approved US\$ 25,715 for travel grants. The list of travel grants indicating the names of the representatives and organizations as well as the theme to be discussed at the Working Group is available in the last report of the Secretary-General to the Commission on Human Rights (*ibid.*, annex III). All travel grants were released before the present session of the Working Group. The following representatives of NGOs participated in the deliberations of the Working Group: Ms. Ana Salvado (on behalf of Casa Alianza - Covenant House Latin America, Costa Rica, on the situation in Central America of victims of sex tourism, action taken as a result of the visit to Guatemala of the Special Rapporteur on the sale of children, child prostitution and child pornography and illegal trafficking of babies); Ms. Manimala Sinha (on behalf of Jan Kala Sahitya Manch Sanstha, an action group for education, health development and social mobilization in Jaipur, India, on activities to rescue and rehabilitate girl children from sex trafficking); Ms. Esohe Aghatise (on behalf of Associazione Iroko in Torino, Italy, on cultural, social and psychological aspects of the trafficking of Nigerian girls for prostitution); Mr. Pramod Kaphley (on behalf of the Group for International Solidarity in Kathmandu, Nepal, on solutions to bonded labour); Mr. Ek Raj Chaudhary (on behalf of Backward Society Education in Dang, Nepal, who gave testimony as a former bonded labourer on measures taken to abolish bonded labour); Ms. Mary Soledad Perpignan and Ms. Lolly Untalan (on behalf of the Third World Movement against the Exploitation of Women, in Quezon City, Philippines, who had replaced the three selected candidates who were not able to attend, and who reported on assistance to victims of the sex trade and provided testimonies of victims of sex trafficking for prostitution on board ships and in a slum area); and Ms. Akoko Victoire Lawson (on behalf of the branch in Togo of the International Catholic Child Bureau (BICE), who spoke on activities in support of street porters). Three representatives of other NGOs were not able attend the session.

101. The Working Group welcomed the testimonies and presentations made by these representatives of local organizations, who contributed to a deeper knowledge on the part of the Working Group of the problems relating to contemporary forms of slavery.

102. The Secretary of the Fund indicated that new contributions had been paid by Brazil (US\$ 10,000), Burkina Faso (US\$ 1,369) and the Holy See (US\$ 1,000), Ms. Karen Parker, on behalf of the Association of Humanitarian Lawyers (US\$ 500), and the schoolchildren and teachers of the Istituto Tecnico Commerciale Oscar Romero in Albino, Italy (US\$ 596). During the session of the Working Group, a cheque for £2,000 was given to the Fund on behalf of the pupils of the Archway School in the United Kingdom, as part of a programme called "Schools Together and Action for Children Campaign". It was underlined that both British and Italian students had become regular donors to the Fund, confirming growing popular support for the Fund. However, the attention of the Working Group and Governments was drawn by various participants to the recommendation of the Board according to which the Fund would need US\$ 400,000 in new contributions before the end of 2001 in order for the Fund and Board to be able to recommend to the Secretary-General new grants in 2002.

RECOMMENDATIONS ADOPTED AT THE TWENTY-SIXTH SESSION

A. General considerations

132. The Working Group on Contemporary Forms of Slavery considers that slavery, in its various forms and practices, is a crime against humanity and that any acquiescence by a State in such practices, irrespective of whether it has acceded to the conventions on slavery or any other relevant conventions, is a violation of basic human rights.

133. A review of the information provided to the Working Group showed that despite some progress made in the protection of human rights and the preservation of human dignity all over the world, various forms of slavery still existed and new insidious forms of slavery were emerging. The Working Group considered as a matter of priority the questions of trafficking in persons, in particular women and children, illegal migration, smuggling and prostitution. It also considered bonded labour and debt bondage, child labour, sexual exploitation, especially of children, incest, the status of the conventions, and the activities of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.

134. The Working Group welcomed the increased participation of non-governmental organizations in its session, in particular thanks to the funding of the Voluntary Trust Fund, and expressed appreciation for their valuable contributions to its work. The Working Group regretted that, due to various concomitant meetings, government representatives were not as numerous as in past years. However, it wished to express its gratitude to all those who had attended and made the effort to follow the debate and answered queries from the members of the Group. The Working Group deeply regretted the recurrent absence of representatives of, in particular, UNESCO, UNICEF, ILO, WHO and INTERPOL, as well as the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on violence against women. In that regard, it strongly reiterated the need for them to attend its future sessions.

135. The Working Group congratulated all participants on the fruitful dialogue, the spirit of cooperation they had demonstrated and the positive atmosphere in which the deliberations had been conducted, and expressed the hope that this general attitude would continue in the future so as to fully develop the Working Group's potential to foster international cooperation in the consideration of these matters.

B. Recommendations

136. The following recommendations were adopted by the Working Group at its twenty-sixth session.

1. General

The Working Group on Contemporary Forms of Slavery,

Having devoted its twenty-fifth session to an overall evaluation of various contemporary forms of slavery,

Reaffirming that every woman, man and child has a fundamental right to be free from all forms of slavery and servitude,

Concerned that the treaties forbidding slavery and slavery-like practices have not been universally ratified,

1. *Expresses its gratitude* to all participants for information relating to all forms of exploitation;
2. *Considers* that poverty, ignorance, and discrimination in all its forms are the main causes of contemporary forms of slavery and urges the specialized agencies of the United Nations to give particular attention to poverty and discrimination as factors leading to or perpetuating slavery and slavery-like practices and to include in their technical assistance programmes activities designed to eliminate slavery and slavery-like practices, as well as their causes;
3. *Also considers* that it is necessary for all the specialized agencies dealing with certain forms of contemporary forms of slavery to cooperate and coordinate their activities with the Working Group in seeking an integrated approach to the various problems in the fields of slavery and the slave trade, including slavery-like practices in all their manifestations;
4. *Further considers* that effective measures should be taken to assist in protecting the rights of those suffering from contemporary forms of slavery by drawing upon the expertise of, and improving coordination and cooperation between, various United Nations organs and bodies and the bodies monitoring legal instruments dealing, directly or indirectly, with issues relating to contemporary forms of slavery;
5. *Welcomes* the important role that non-governmental organizations play in raising the awareness of the public at the national and international levels as to the grave consequences of contemporary forms of slavery for women, men and children;
6. *Also welcomes* the comprehensive updated review of the implementation and follow-up to the conventions on slavery (E/CN.4/Sub.2/2000/3 and Add.1);
7. *Recommends* that all States which are not parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others of 1949, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights be called upon to become parties as soon as possible and to enact any legislation necessary to ensure that their laws conform to the terms of those treaties;
8. *Requests* the Secretary-General to submit to the Working Group, in addition to the list of countries which have ratified the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, a list of countries which have not yet ratified these instruments;

9. *Expresses the hope* that the Working Group will receive cooperation from all States, particularly the States most concerned, with regard to the annual issue selected by the Working Group, and invites non-governmental and intergovernmental organizations to provide information and testimonies with regard to the particular issue selected for consideration at the annual session of the Working Group;

10. *Once again requests* the Secretary-General to invite news agencies, the press, television and radio to contribute to the rapid elimination of slavery in all its contemporary forms by ensuring wide and effective publicity about existing cases of slavery, the slave trade, other slavery-like practices, trafficking in persons and exploitation of the prostitution of others, as well as the activities of the Working Group on Contemporary Forms of Slavery in this field, and also requests that a similar campaign of awareness be promoted by the Department of Public Information of the Secretariat and reported on at the twenty-seventh session of the Working Group.

2. Traffic in persons and exploitation of the prostitution of others

The Working Group on Contemporary Forms of Slavery,

Taking note of the report of the Special Rapporteur on violence against women, its causes and consequences which addresses trafficking in women and girls in connection with her country visits to Bangladesh, Nepal and India, (E/CN.4/2001/73/Add.2),

Concerned that the definition of trafficking used in the report is in direct conflict with the principles of the 1949 Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and the definition of trafficking in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,

Concerned also that the use of the term "sex work" throughout this report, a term that has no precedent in international human rights instruments, could legitimize and normalize the exploitation of the prostitution of others,

Recognizing that international sex trafficking and prostitution at the national level are interconnected parts of the global sex industry and must be addressed together,

Aware that the legalization of prostitution fosters sex tourism and sex trafficking,

Urges States to ensure that their national laws and policies do not promote the legalization of prostitution,

Reaffirming that prostitution is a practice that is incompatible with the dignity and worth of the human person and constitutes a source of serious violations of human rights,

Concerned that some individuals and organizations call for the recognition of prostitution as a meaningful choice of legitimate work,

Convinced that prostitution reflects the victims' lack of alternatives and can never be considered legitimate work,

Acknowledging the adoption by the General Assembly of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,

Noting with satisfaction that the definition of trafficking in persons used in the Protocol is not restricted to situations of force, fraud, or deception but also covers "the abuse of power or of a position of vulnerability" and, consistent with the principles of the 1949 Convention, specifies that the "consent of a victim of trafficking in persons ... shall be irrelevant" where any of these means have been used,

Noting also that article 9, paragraph 5, of the Protocol requires States parties to "adopt or strengthen legislative or other measures ... to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking,"

Convinced that the demand for sexual exploitation plays a critical role in the growth and expansion of the global sex industry,

Noting with interest the successful implementation of the law promulgated by the Government of Sweden related to the enforcement of the law against the purchase of sexual services,

Concerned that instead of raising awareness about the harm of trafficking in persons for the purpose of sexual exploitation and the exploitation of the prostitution of others, the media too often promote and legitimize the sex industry through, *inter alia*, sensationalistic coverage of incidents of sexual exploitation and the use of images that glamorize prostitution,

Aware that the Protocol to Prevent, Suppress and Punish Trafficking covers only criminal activities that are transnational and carried out by at least three persons, while the three conventions on slavery and slavery-like practices of 1926, 1956 and 1949 are far more inclusive but have no monitoring and enforcement mechanisms,

Convinced that such monitoring and enforcement mechanisms are essential to strengthen Governments' responses to slavery, servitude, trafficking in persons, and the exploitation of the prostitution of others,

Recalling the Programme of Action on the Traffic in Persons and the Exploitation of the Prostitution of Others (E/CN.4/Sub.2/1995/28/Add.1) approved by the Commission on Human Rights in its resolution 1996/61,

Deeply concerned at reports that traffic in persons and prostitution increasingly target victims on the basis of their race, colour and ethnic origin,

Aware that sex traffickers, sex tour operators, mail-order bride agencies and brothel owners promote and pander to racist stereotypes of the women and children they exploit,

Convinced that trafficking in persons and exploitation of the prostitution of others reflect and reinforce racial prejudice and discrimination in contravention of the fundamental principles of the International Convention on the Elimination of All Forms of Racial Discrimination,

1. *Urges* States to ensure that their policies and laws do not legitimize prostitution as the victims' choice of work;
2. *Urges* Governments to take serious note that it is the existence of the demand for the sexual exploitation of women and children that perpetuates prostitution, and to take effective measures to punish those who purchase the sexual services of others;
3. *Calls upon* Governments to provide protection and assistance to victims that are based on humanitarian considerations and not contingent on their cooperation with the prosecution of their exploiters, as articulated in articles 6, 7 and 8 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;
4. *Urges* States to initiate community-based prevention programmes, especially in high-risk areas, to educate people on the tactics of recruiters and traffickers and on the risks of sexual exploitation;
5. *Expresses its conviction* that the adoption of a resolution by the General Assembly for the elaboration of an additional protocol to the three conventions on slavery and slavery-like practices would strengthen the effectiveness of these conventions through an efficient mechanism;
6. *Recommends* the creation of special observatories at the national and regional levels to gather information from non-governmental organizations and individuals with relevant expertise in order to further the goals of the Programme of Action on the Traffic in Persons and the Exploitation of the Prostitution of Others (E/CN.4/Sub.2/1995/28/Add.1);
7. *Urges* Governments which have not yet done so to ratify the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, International Labour Organization Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and the Convention on the Elimination of All Forms of Discrimination against Women;
8. *Calls upon* United Nations human rights bodies to focus on situations of human rights violations related to trafficking in persons and victims of prostitution, in accordance with the Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949;
9. *Invites* the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Human Rights Committee to elaborate general recommendations in order to clarify reporting procedures with regard to victims of trafficking, in particular for purposes of prostitution and exploitation of the prostitution of others, as provided in the 1949 Convention;

10. *Recommends* that the issue of trafficking in persons, prostitution and related practices of sexual exploitation be considered during the preparatory process of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and at the World Conference itself, which will be held in South Africa in 2001, and makes strong recommendation to Governments to prevent and sanction such violations as well as to provide services, support and restitution to victims.

3. United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

The Working Group on Contemporary Forms of Slavery,

Recalling General Assembly resolution 46/122 of 17 December 1991, by which the Assembly established the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery,

Recalling also that the Trust Fund was established to assist representatives of non-governmental organizations to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery,

Recalling further the close relationship between the mandate and the activities of the Working Group and those of the Board of Trustees of the Trust Fund, and the necessary cooperation between them,

1. *Expresses its gratitude* to Governments, organizations, trade unions and individuals, including young students, who have contributed to the Fund and encourages them to continue doing so;

2. *Expresses its appreciation* for the participation at the twenty-sixth session of the Working Group of eight representatives of non-governmental organizations financed by the Fund, including victims of contemporary forms of slavery, and for their valuable contribution to the work of the Working Group;

3. *Invites* the Board of Trustees of the Voluntary Fund to promote the participation at the annual sessions of the Working Group of individuals and organizations from as large a number of countries as possible, in accordance with the priorities established in the agenda of the Working Group;

4. *Notes with satisfaction* that 18 project grants were paid by the Fund to local non-governmental organizations which work on issues of contemporary forms of slavery;

5. *Expresses its support* for the work of the members of the Board of Trustees of the Fund, in particular their fund-raising activities;

6. *Recalls* the appeal made by the General Assembly in its resolution 46/122 to all Governments to respond favourably to requests for contributions to the Fund, and urges them and non-governmental organizations, other private or public entities and individuals to contribute to the Fund and encourages them to do so in order to enable the Fund to fulfil its mandate effectively in the year 2002;

7. *Decides* to continue to examine the situation and the activities of the Trust Fund at its twenty-seventh session.

4. Bonded labour and debt bondage

The Working Group on Contemporary Forms of Slavery,

Recalling article 4 of the Universal Declaration of Human Rights, which proclaims that no one shall be held in slavery or servitude, and the provisions of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, of 1956, in particular its article 1 (a) prohibiting debt bondage,

Welcoming the efforts of Member States to combat debt bondage by adopting laws prohibiting debt bondage and by establishing procedures to investigate individual and other reports of debt bondage and to free those involved,

Noting with concern, however, that, despite efforts made, freed bonded labourers are often left without any means of support and close to starvation, in many cases for long periods,

Bearing in mind the obligation of States not only to declare that systems of bonded labour or slave labour are illegal and will be abolished, but also to protect the victims from further harassment or harm, notably by ensuring their reintegration into society and providing those who are destitute with the material means to sustain themselves and their families,

Concerned at information according to which in certain countries, more than one million agricultural bonded labourers are still held in bondage and that perpetrators continue to exploit them with impunity,

Bearing in mind that corruption and the close social, economic and political links existing between employers of bonded labour and government officials at local level may be responsible for the perpetuation of this abhorrent practice,

Emphasizing the importance of accurate statistics and other relevant information about debt bondage being collected by States where cases of debt bondage are reported, in particular in order to ensure that remedial steps are taken which are commensurate with the scale of the problem,

Convinced that basic education for all is a key condition for enabling bonded labourers to escape from servitude and that the provision of compulsory primary education for all, especially in rural areas, will reduce the number of bonded labourers,

Recalling the Programme of Action against Child Bondage prepared by the International Labour Office in collaboration with the then Centre for Human Rights of the United Nations (ISBN 92-2-108730), adopted in 1992, which specifies a range of measures which States can take against bonded labour and child bondage, including actions at the level of government policy formation, legislation, law enforcement, education, training, rehabilitation, community mobilization and raising public awareness about the unacceptability of child bondage,

Recalling also international Labour Organization Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, article 3 (a) of which explicitly prohibits the practice of bonded labour concerning any child or young person under the age of 18,

1. *Urges* States which have not yet done so to introduce comprehensive legislation to prohibit bonded labour in all its forms, as a matter of urgency, including provisions for the punishment of any future employers of bonded labourers; this legislation should include measures of compensation for having been subjected to bonded labour and debt bondage, rehabilitation assistance including, at a minimum and where applicable, the grant of enough land to sustain a single family throughout the year, and legal provisions to protect their ownership and occupation of such land;
2. *Strongly recommends* that States which have adopted laws against debt bondage or bonded labour and in which cases of debt bondage continue to be reported ensure the effectiveness of the rule of law and fully apply legal and judicial procedures ensuring the prosecution and punishment of those involved in reducing men, women or children to bondage;
3. *Considers* it necessary that the implementation of national programmes of action which will prevent the recurrence of bonded labour, including measures to end discrimination, ensure progressive land reform and enforce national minimum wages;
4. *Urges* the Governments concerned to carry out independent and comprehensive surveys, at the local level, to identify the number and location of people held in debt bondage; these surveys should provide a statistical breakdown of the number of men, women and children in bonded labour, including their membership of a minority group;
5. *Recommends* that reports of bonded labour be investigated by independent bodies composed, among others, of representatives of trade unions, employers' organizations working for the release of bonded labourers and relevant community groups, in addition to representatives of relevant government departments; such reports should be given due consideration by the Government at the local and central levels;
6. *Calls upon* States to establish and maintain at the appropriate level a registry of information on every case of bonded labour reported and every bonded labourer released, noting the compensation paid, and to compile and publish this information and to carry out reviews to determine whether freed bonded labourers have fallen back into debt bondage;

7. *Calls upon* national authorities to implement strictly the legislation related to bonded labour; the number of prosecutions brought, successful convictions obtained and sentences passed against those using bonded labourers should be recorded and made public on a regular basis;

8. *Considers* that destitute former bonded labourers in particular should have access to drinking water, health care facilities, adequate shelter, food and education;

9. *Urges* intergovernmental organizations to provide financial and technical assistance to the Governments concerned in order to help them put an end to bonded labour and debt bondage, and encourages the active participation of national non-governmental organizations dealing with the issue of bonded labour and debt bondage in the elaboration of national development plans;

10. *Invites* the International Labour Organization, together with other competent United Nations organs and specialized agencies, to consider the possibility of holding a seminar or a workshop to determine the best practices for the eradication of debt bondage, in particular to assess what forms of international support are most appropriate for community mobilization and to enable bonded labourers to make use of their right to freedom of association and what techniques have proved most effective in facilitating the rehabilitation and reintegration of victims of debt bondage;

11. *Recommends* that all competent United Nations organs, specialized agencies, development banks and intergovernmental agencies involved in development initiatives take action to contribute to the elimination of debt bondage, in particular by the provision of alternative sources of credit to bonded labourers;

12. *Recommends once again* that Governments cooperate with trade unions and employers' organizations at the national level to address the problem of bonded labour and that trade unions and employers' organizations at the local, national and international levels utilize the existing structures of the International Labour Organization dealing with violations of the relevant conventions concerning forced labour, and encourages concerned non-governmental organizations to strengthen their activities for disseminating information and advising trade unions in this regard;

13. *Invites* international financial institutions to encourage micro-credit as a mechanism for the eradication of debt bondage.

5. Prevention of transborder trafficking in children in all its forms

The Working Group on Contemporary Forms of Slavery,

Considering that transborder trafficking is a major conduit for the exploitation of children,

Convinced that transborder trafficking in children for any form of exploitation is incompatible with the dignity and worth of the human person,

Recognizing that poverty, illiteracy, harmful cultural practices and, above all, the low status of women and girls in society contribute to their being sexually exploited,

Recognizing also that there is an urgent need for the international community, particularly Governments, to take effective measures to suppress transborder trafficking in children and to extend full protection to them,

Concerned at information according to which several types of trafficking in children regularly take place, especially between the countries of Central and West Africa, and at the extensive nature of this problem in the region,

1. *Invites* States to ratify existing international human rights and labour standards, if they have not already done so, and to ratify in a timely manner Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour of the International Labour Organization;

2. *Calls upon* States to take action against trafficking within a human rights framework, so that the child victims of trafficking are fully protected and not treated as illegal immigrants;

3. *Considers* that States of the Central and West African regions should be encouraged and supported in their efforts to draft and enforce relevant domestic legislation and to promote birth registration, in order to establish where the trafficked children come from and to facilitate their return;

4. *Encourages* cooperation among the concerned States, as well as with international agencies and international and national non-governmental organizations, in research and data collection on child trafficking and in the design and implementation of programmes of action to eliminate the practice of child trafficking;

5. *Also encourages* strengthened cooperation between national and international law enforcement agencies, in particular the International Criminal Police Organization, responsible for detecting and intercepting child traffickers, as well as in tracing the families of the trafficked children.

6. The role of corruption in the perpetuation of slavery and slavery-like practices

The Working Group on Contemporary Forms of Slavery,

Aware of the negative impact of corruption on the full enjoyment of all human rights and fundamental freedoms,

Convinced that corruption at different levels contributes to the continuation of slavery and slavery-like practices,

Noting that information received clearly identifies corruption as playing a role in the continuation of slavery and slavery-like practices,

1. *Urges once again* all States to take adequate steps to monitor and enforce laws, particularly as they relate to slavery, slavery-like practices and corruption, including trafficking in and exploitation of the prostitution of women and children;

2. *Encourages* States to take measures aimed at improving the training and professionalism of law enforcement personnel, as well as their respect for human rights.

7. Misuse of the Internet for the purpose of sexual exploitation

The Working Group on Contemporary Forms of Slavery,

Recalling that article 19 of the International Covenant on Civil and Political Rights declares that the right to freedom of expression "carries with it special duties and responsibilities" and may therefore be subject to restrictions as provided by law and when necessary to protect the rights of others,

Alarmed that multiple forms of sexual exploitation, such as prostitution, sex tours, sex trafficking, bride trafficking, pornography, incest and other forms of child sexual abuse and exploitation, live sex shows and rape videos for sexual entertainment, are promoted on the Internet by individuals, groups and crime syndicates, that the Internet is now the preferred site for the promotion of mail order brides, sex tourism and pornography, and that the Internet offers multiple forums facilitating the trafficking, prostitution and sexual exploitation of women and children,

Aware that individuals, groups and crime syndicates use the Internet to traffic in, exploit and violate the rights of women and children, many of whom are in situations of vulnerability as a result of poverty, social dislocation, and racial and ethnic discrimination,

Aware also that the Internet has become one of the major channels for distributing pornographic images of women and children,

Noting with concern that the scope, volume and content of material on the Internet promoting or enacting the trafficking, prostitution and sexual exploitation of women and children are unprecedented,

Emphasizing that many of the practices of sexual exploitation on the Internet are characterized by domination, control and violence so extreme as to constitute serious violations of human rights and forms of sex discrimination,

Concerned that sexual exploitation, violence and trafficking on the Internet help normalize these practices and contribute to their being seen by individuals as everyday occurrences,

Convinced that prostitution and the traffic in persons are incompatible with the dignity and worth of the human person and that practices of the exploitation of the prostitution of others and trafficking in persons constitute serious violations of human rights,

Acknowledging that women and children subjected to sexual exploitation by means of the Internet are often from countries suffering from, *inter alia*, poverty and armed conflict and that those who use the Internet for the purposes of sexually exploiting women and children are often from developed countries,

Convinced that heightened awareness of the harm to women and children of sexual exploitation, together with the political will to combat this harm, will significantly reduce the extent of trafficking and sexual exploitation for the purpose of prostitution through the Internet,

Convinced also that the right to freedom of expression cannot excuse or justify such flagrant violations of human rights,

1. *Recommends* that Governments, as a matter of priority, review, amend and enforce existing laws, or enact new laws, to prevent the misuse of the Internet for trafficking for the purpose of prostitution and the sexual exploitation of women and children;

2. *Urges* Governments to act more forcefully to eliminate traffic in persons, exploitation of the prostitution of others and sexual exploitation through the Internet, and to consider setting up a mechanism aimed at better control of the Internet when abused for those purposes;

3. *Recommends* that Governments and non-governmental organizations develop and implement educational programmes on the harm caused by trafficking for the purpose of prostitution and sexual exploitation on the mental and physical well-being of women and children;

4. *Requests* Governments to investigate and use as evidence of crimes and acts of discrimination advertising, correspondence and other communications over the Internet to promote sex trafficking, the exploitation of prostitution, sex tourism, bride trafficking and rape;

5. *Calls* for new levels of cooperation among Governments and national and regional law enforcement bodies in order to combat the escalating trafficking for the purpose of prostitution of women and children, the globalization of this industry and the misuse of the Internet to promote and carry out acts of trafficking for the purpose of sexual exploitation, sex tourism, sexual violence and sexual exploitation.

8. Migrant workers and domestic migrant workers

The Working Group on Contemporary Forms of Slavery,

Recalling the adoption by the International Labour Organization of Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,

Noting that migrant workers are frequently subject to discriminatory rules and regulations which undermine their human dignity, including being forced to live separately from their spouses and their minor children, sometimes for extended periods, and that they are often victims of violence, racism and xenophobia,

Noting also, in particular, cases of migrant domestic workers who are unpaid, subjected to various abuses and deprived of all their rights,

Welcoming the first report submitted by the Special Rapporteur on the human rights of migrants at the fifty-sixth session of the Commission on Human Rights (E/CN.4/2000/82),

1. *Strongly condemns* practices of unequal treatment of migrant workers and the denial of their human dignity;

2. *Urges* Governments to ensure that protective regulations govern the employment situation of migrants and provide for safe conditions of work;

3. *Takes note* of the difficult situation in which migrant workers, especially women and children, are living and of the need for them to be provided with protection with a view to ensuring their fullest human development and participation in the life of their community;

4. *Urges* States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly in its resolution 45/158;

5. *Also urges* States to take the necessary measures to prohibit and punish those who confiscate passports belonging to migrant workers, in particular migrant domestic workers;

6. *Recommends* that non-governmental organizations pay particular attention to the grave problems affecting migrant workers and provide the Working Group with information in this regard;

7. *Recommends* that the Sub-Commission on the Promotion and Protection of Human Rights consider this issue at its fifty-fourth session.

9. Elimination of child labour

The Working Group on Contemporary Forms of Slavery,

Aware that existing laws against and international agreements concerning debt bondage are not being implemented effectively,

Concerned at the persistence of the exploitation of child labour and debt bondage, and aware of the necessity of combating these phenomena,

Recognizing the persistent human rights abuses inherent in the practice of exploiting people, in particular migrant women and children, as domestic servants,

Recognizing also that the practice of exploiting children as domestic servants violates the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, the International Labour Organization Convention (No. 29) concerning Forced or Compulsory Labour and Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,

Concerned at increasing information and testimonies on abusive treatment of girls and women domestic workers,

Convinced that compulsory and free primary education of boys and girls is an essential tool to combat child labour, and in particular the use of children as domestic workers,

1. *Urges* all States, while attempting ultimately to eliminate child labour, to adopt measures and regulations to protect child labourers, to ensure that they are not exploited and to prohibit their labour in hazardous occupations, in accordance with the provisions of the ILO Convention No. 182, unless national legislation provides for more protective standards;

2. *Also urges* States, while attempting ultimately to eliminate child labour and child domestic labour by, *inter alia*, enacting and implementing laws on compulsory and free primary education, to adopt and enforce measures and regulations to eliminate all discrimination against girls in education, skills development and training and to protect child workers, in particular child domestic workers, and to ensure that they are not exploited;

3. *Recommends* that the International Labour Organization, while considering the issue of child labour, give more emphasis to the issue of child domestic workers by establishing additional country programmes for these children within its International Programme on the Elimination of Child Labour;

4. *Invites* the international community to cooperate in developing viable alternatives to child labour, in particular for young girls;

5. *Requests* the Secretary-General to invite all States to inform the Working Group of measures adopted to implement the Programme of Action for the Elimination of the Exploitation of Child Labour and report thereon to the Sub-Commission on the Promotion and Protection of Human Rights and the Commission on Human Rights at their next sessions.

10. Forced labour

The Working Group on Contemporary Forms of Slavery,

Having received information on the continuing use of forced labour in remote agricultural areas of some countries,

Taking note with satisfaction of the measures taken by some Governments aimed at putting an end to the use of forced labour, but aware of the need for continuous and strengthened efforts,

1. *Reaffirms once again* that forced labour is a contemporary form of slavery;
2. *Invites* States concerned to introduce consolidated legislation on forced labour;
3. *Recommends* that States concerned take urgent action to speed up criminal proceedings, secure successful prosecutions and apply effective sanctions against all those using forced labour;
4. *Also recommends* that States make detailed information publicly available regarding the prosecution and punishment of those using forced labour and carry out an appraisal of the impact of such practices.

11. Sale of children, child prostitution and child pornography

The Working Group on Contemporary Forms of Slavery,

Concerned at the persistence and growth of the sale of children, child prostitution and child pornography, and aware of the necessity of combating these practices,

Having considered the report submitted by the Special Rapporteur on the sale of children, child prostitution and child pornography to the Commission on Human Rights at its fifty-sixth session (E/CN.4/2001/78 and Add.1-2),

Recalling the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the comments made by participants concerning the possibility that the Optional Protocol might weaken the protection provided for children by the Convention on the Rights of the Child,

1. *Requests* the Secretary-General to invite all States to continue to inform the Working Group of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;
2. *Decides*, in the context of the commemoration of the tenth anniversary of the adoption of the Programme of Action, to request a non-governmental organization to prepare and submit to the Working Group at its twenty-seventh session in 2002 an assessment of the implementation of the Programme of Action;
3. *Requests* the Special Rapporteur, within the framework of her mandate, to continue to pay attention to issues relating to the traffic in children, such as organ transplantation, disappearances, the purchase and sale of children, adoption for commercial purposes or exploitation, child prostitution and child pornography;
4. *Strongly encourages* the Special Rapporteur to participate in the twenty-seventh session of the Working Group, in view of the importance of her contribution to its deliberations;

5. *Invites* States to consider the establishment of a voluntary fund aimed at assisting the Committee on the Rights of the Child in strengthening implementation of the Optional Protocol, in harmony with provisions of the Convention on the Rights of the Child;

6. *Decides* to examine, as a matter of priority at its twenty-seventh session in 2002, the issue of the exploitation of children, particularly in the context of prostitution and domestic servitude.

12. Traffic in human organs and tissues

The Working Group on Contemporary Forms of Slavery,

Concerned at information received at its present session alleging that children and adults are victims of, or even abducted and killed for, the removal of organs for the purpose of commercial transplants and non-therapeutic research,

Decides to continue to give consideration to this issue at its next session.

13. Miscellaneous

The Working Group on Contemporary Forms of Slavery,

Taking note of the information received,

Welcoming the participation of young students from the United Kingdom of Great Britain and Northern Ireland and their substantive contribution to the work of the Working Group,

1. *Decides* to continue the consideration on a biennial basis, as of 2001, of issues such as forced marriage, ways to combat sexual abuse of children inside the family, and the urgent need for adequate help to be offered to victims of such practices;

2. *Also decides* to consider as a matter of priority at its twenty-eighth session in 2003 the issue of contemporary forms of slavery related to and generated by discrimination, in particular gender discrimination, focusing attention on abuses against women and girls, such as forced marriage, early marriage and sale of wives;

3. *Appeals* to all Governments to send observers to the meetings of the Working Group;

4. *Encourages* youth organizations and young persons from various non-governmental organizations to participate in the meetings of the Working Group;

5. *Recommends* that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining the periodic reports of States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International

Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, and include in their general comments and recommendations an item concerning contemporary forms of slavery;

6. *Recommends* that the supervisory bodies of the International Labour Organization and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

7. *Once again requests* the Secretary-General to transmit to the committees mentioned above, the special rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances the recommendations of relevance to them and the report of the Working Group;

8. *Requests* the Secretary-General to give effect to his decision to reassign to the Working Group a Professional staff member of the Office of the High Commissioner for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Office on issues relating to contemporary forms of slavery, in accordance with Commission on Human Rights resolutions 1996/61 and 1999/46;

9. *Requests* non-governmental organizations to disseminate information about the work of the Working Group as widely as possible;

10. *Decides* that a copy of the report of the Working Group should be sent, as soon as possible, to each participant at the session who requests such a copy;

11. *Recognizes* the advantages of continuity of the membership of the Working Group, while acknowledging that the designation of any member to participate in any working group of the Sub-Commission is within the realm of the regional groups of the Sub-Commission;

12. *Decides* that it will adopt a provisional timetable at the time of adoption of its provisional agenda;

13. *Also decides* that it will invite those Governments which have information relating to the priority issue to be discussed at the forthcoming session of the Working Group to assist the Working Group by providing the information either in advance or at that session;

14. *Recommends* that the Sub-Commission, in arranging its agenda, make provision for adequate discussion of the report of the Working Group near the commencement of each session, thereby strengthening its involvement in the activities of the Working Group.

Annex

**DRAFT PROVISIONAL AGENDA FOR THE TWENTY-SEVENTH SESSION
OF THE WORKING GROUP ON CONTEMPORARY FORMS OF SLAVERY**

1. Election of officers.
2. Adoption of the agenda.
3. Exploitation of children, particularly in the context of prostitution and domestic servitude.
4. Review of the implementation of and follow-up to the conventions on slavery:
 - (a) Status of the conventions;
 - (b) Review of information received regarding the implementation of the conventions and programmes of action.
5. Review of developments in the field of contemporary forms of slavery and measures to prevent and repress all contemporary forms of slavery, including the struggle against corruption and the consideration of international debt as promoting factors of contemporary forms of slavery:
 - (a) Economic exploitation:
 - (i) Domestic and migrant workers;
 - (ii) Bonded labour and debt bondage;
 - (iii) Forced labour;
 - (b) Sexual exploitation:
 - (i) Suppression of the traffic in persons and the exploitation of the prostitution of others;
 - (ii) Activities of the Special Rapporteur on the sale of children, child prostitution and child pornography.
6. Activities of the Special Rapporteur on violence against women.
7. Other forms of exploitation:
 - (a) Illegal activities of certain religious and other sects;
 - (b) Illegal and pseudo-legal adoptions aimed at exploitation of children;

- (c) Traffic in human organs and tissues;
 - (d) Paedophilia;
 - (e) Miscellaneous, including slavery-like practices in armed conflicts.
7. Activities of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.
8. Adoption of the report of the Working Group to the Sub-Commission on the Promotion and Protection of Human Rights on its twenty-seventh session.
